IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1557 OF 2006

Shri.Raghoba Nhanu Desai,
Since deceased through his heirs and
Legal Representatives :
(a) Shri.Shriram Raghoba Desai & Ors. .. Petitioners
(Org.Applicants)

Versus

1.Shri.Ganpat Arjun Desai,
Since deceased through his heirs and
Legal Representatives :
(a) Smt.Sunitra Ganpat Desai & Ors. .. Respondents.

Shri.G.H.Keluskar for the petitioners.
None for the respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9TH FEBRUARY, 2007.

P.C.:

1. Heard Shri.Keluskar for the petitioner.

2. Perused the petition and the annexures thereto including the orders in proceedings under the Maharashtra Land Revenue Code, 1966.

3. Shri. Keluskar has fairly pointed out that the respondents have instituted a suit for permanent injunction. In terms of the main reliefs claimed in the suit, a temporary injunction has been issued and the petitioner-original defendant aggrieved by the same has preferred an appeal before the District Court.

4. In my view, neither the impugned orders nor any of the observations made therein can take away the right of the petitioner nor affect adversely his case set up in the civil suit. Needless to state that civil suit so also the pending appeal would be decided on its own merits and in accordance with law based upon the pleadings of the parties therein. This Court does not feel that this is a fit case to interfere. More so, when the petitioner also has a right available in law to establish his title to the immovable property in question. Petition dismissed with these observations. Liberty is always reserved to the petitioner to adopt all proceedings for the said purpose.

(S.C.Dharmadhikari, J.)